

REMARKS

In the Office Action,¹ the Examiner objected to the title as not being descriptive; rejected claims 10-16 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter; rejected claims 1-17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicant amends the title and claims 1-17. Claims 1-17 remain pending; no new matter has been added. Support for the amendments can be found in, for example, paragraphs 93-219 and Figs. 3a - 17 of the specification.

The title has been amended to be clearly indicative of the subject matter of the claims. Applicant respectfully requests withdrawal of the objection.

Applicant respectfully traverses the rejection of claims 10-16 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter.

Claims 10-16 have been amended to recite that the various method steps are performed by a processor associated with a computer. Thus, claims 10-16 are “tied to a particular apparatus” in accordance with In re Bilski, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008). Accordingly, claims 10-16 are drawn to statutory subject matter, and Applicant requests withdrawal of the rejection under § 101.

Applicant respectfully traverses the rejection of claims 1-17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

The various recitations noted by the Office Action at page 3 have been removed or substantially revised in accordance with the specification by the claim amendments. Enabling support for the claim amendments is provided in, for example, paragraphs 93-219 and Figs. 3a - 17 of the specification. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The various recitations noted by the Office Action at page 4 have been removed or substantially revised in accordance with the specification by the claim amendments. Applicant submits that amended claims 1-17 are clear and definite, and respectfully requests withdrawal of the rejection of claims 1-17 under 35 U.S.C. § 112, second paragraph.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is kindly invited to contact the undersigned at 202.216.5118.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 7, 2009

By: 

James D. Stein
Reg. No. 63,782
202.216.5118